

## IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 07-0393 and DA 09-0234

FILED

AUG 11 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN RE THE STUDENT PRACTICE PETITION OF  
ANDRES HALADAY

ORDER

C. Mark Fowler of the Office of the Attorney General has filed with the Clerk of this Court a letter introducing law student Andres Haladay as eligible to practice under the Montana Student Practice Rule (Rule) in our Cause No. DA 09-0234, *State v. Doyle*. The letter advises that Haladay has already written the State's brief in this cause. As required by the Rule, the Office of the Attorney General submits the certification of the Dean of the University of Montana School of Law regarding Haladay's moral character and legal competence, as well as a certificate signed by Haladay, reflecting his familiarity with and intention to abide by the Montana Rules of Professional Conduct. Finally, the Attorney General has also filed a "Supervising Attorney's Approval of Student Appearance."

We construe these submissions as a petition requesting that Haladay be allowed to practice before this Court under the Rule. However, we request that in the future, the Office of the Attorney General submit a petition *before* the student commences the activity for which leave is sought, as the Rule authorizes a court to exclude a law student from active participation in proceedings before the Court in the interests of orderly administration of justice or for the protection of a client or witness. As a practical matter, submission of a petition after the student has completed his work under the Rule effectively precludes this Court from exercising that authority. *See In Re the Student*

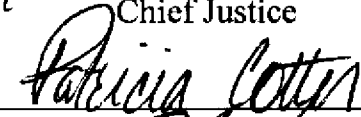
*Practice Petition on Behalf of Mark Lancaster*, Cause Nos. AF 07-0393, DA 08-0086, and DA 08-0162. Notwithstanding this caution,

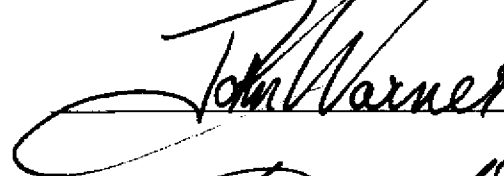
IT IS HEREBY ORDERED that Andres Haladay shall be allowed to practice before this Court in our Cause Number DA 09-0234 under, and subject to the restrictions of, the Montana Student Practice Rule.


IT IS FURTHER ORDERED that the Clerk of this Court mail a copy of this Order to all counsel of record.

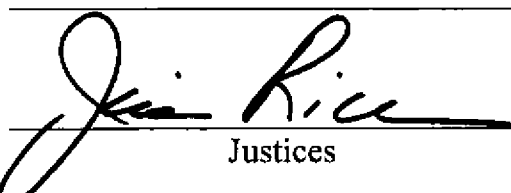
DATED this 11 day of August, 2009.

  
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Chief Justice

  
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Patricia Cotton

  
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John Varner

  
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James S. W. William

  
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Justices